

OGC 73-1007

5 June 1973

MEMORANDUM FOR: Special Assistant for Information Control

SUBJECT: Proposed Rule re Records Management

REFERENCE: NARS Notice of Proposed Rule Making
re 41 CFR Part 101-11

1. In the referent notice, the National Archives and Records Service (NARS) proposes to amend Part 101-11 of Chapter 101 of Title 41 of the Code of Federal Regulations. We have reviewed the proposed changes and find that much of the material is merely a rearrangement of the existing regulations or a further definition of those regulations.

2. Part of the proposed amendment includes a procedure for evaluating the effectiveness of an agency's records management program. NARS will provide the agency with a status report of the effectiveness of the agency's program. The report will contain recommendations for improvements to the program and the agency will have 30 days to develop an action plan for the implementation of the recommendations. NARS will have the authority to approve the action plans.

3. Statutory authority for establishing this type of procedure is contained in the U. S. Code at 44 U. S. C. A. 2910, which states:

The Administrator of General Services shall have final authority in matters involving the conduct of surveys of Government records and records creation, maintenance, management and disposal

practices...and the implementation of recommendations based on surveys.

As NARS is directly responsible to the Administrator of General Services, we find no legal objection to the proposed amendments. Accordingly, while you may find objection on other grounds, we see no legal basis on which to reply.



Office of General Counsel

OGC:JED:cap

Original - Addressee

✓ 1 - Subj. - RECORDS

1 - JED Signer

1 - Chrono